

REMARKS

Claims 1-3, 5-41, 47, 49 and 52-56 remain in the application for consideration. Claims 1, 5, 6, 8, 9-22, 28-31, 33-38, 41, 52 are amended. Claims 4, 42-44, 51 and 57 are herein cancelled. Claims 58 and 59 are newly presented. No new matter is added.

Information Disclosure Statement

The Office Action commented that the Information Disclosure Statement filed December 29, 2005 failed to comply with 37 CFR §1.98(a)(2) because copies of the foreign patent documents and the non-patent literature publications identified on Form PTO-1449 were not submitted.

Applicants enclose herewith copies of the references identified on Form PTO-1449 that may not have been previously available to the Examiner. It is respectfully requested that these references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Sequence Identifiers

The Examiner pointed out that several sequences in the text did not include appropriate sequence identifiers in several places. Applicants herein amend the specification at pages 29-30, 61-62, and 63 to include the appropriate SEQ ID identifiers. In addition, Applicants submit herewith a substitute sequence listing to add several omitted sequences to the sequence listing. A paper copy of the sequence listing, as well as a computer readable (CD) form of the same, is enclosed herewith.

Applicants herein request the enclosed sequence listing be entered into the above-identified application.

Applicants state that with regard to the Sequence Listing, the information recorded in computer readable form is identical to the written sequence listing. Applicants submit no new matter is added herewith.

Specification

The specification was objected to because of a number of informalities pointed out by the Examiner. By this amendment, the specification is amended to correct these editorial errors, thus rendering the objections moot.

Rejections Under 35 USC §112

Claims 1-41, 47, 49 and 51-57 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

To address rejections 11 and 12 at page 4 of the Office Action, claims 1, 18, 21, 22 and 34 have been amended. Support for the amendments can be found at page 1, lines 17 and 18, page 13, lines 3 and 4 as well as original claim 4 of the application.

The amended claims no longer include the language such as "related to" or "correspond to" Accordingly, Applicants respectfully submit that rejections 11-12 are overcome.

Further, instant claim 1 clarifies that the reference sequence, on which there are from about 1 to about 20 substitution mutations, is SEQ ID NO:1. Therefore, Applicants respectfully submit that rejection 13 is overcome by claim amendment.

To address rejections 14 and 15, claims 5, 6 and 10 have been amended to properly depend from claim 1. Applicant respectfully submit that the amendments render rejections 14 and 15 moot.

To address rejections 16 and 17, claims 19 and 20 have been amended to clarify that the claimed polypeptide consists of one of the listed sequences. Withdrawal of rejections 16 and 17 is respectfully requested.

Regarding rejections 18 and 19, Applicants respectfully submit that the amendments to claims 1 and 21 and 22 have rendered the rejections moot.

Regarding rejection 20, claim 25 depends from claim 1, which now include a reference to SEQ ID NO:1. Further the definition for "additional amino acid residues" can be found at page 9, lines 22-27 of the specification. Accordingly, it is respectfully submit that rejection 20 is overcome by claim amendment.

To address rejection 21, claim 28 has been amended to recite that polypeptide is fusion polypeptide between a first moiety and at least one further moiety. In addition, claims 29-31 and 33-37 have been amended to refer to "the further moiety."

Regarding rejection 22, a "fragment thereof" is defined as retaining the binding capability of the naturally occurring or recombinant protein and is described at page 10, line 35 to page 11, line 1 of the instant application. To expedite the prosecution of the application, claim 22 has been amended to

delete the phrase "or a fragment thereof" thus rendering the rejection moot.

To address rejection 23, as suggested by the outstanding Office Action, claim 38 has been amended to read "which further comprises."

To address rejection 24, claim 41 has been amended to specify that "ADEPT" is "antibody-derived enzyme prodrug therapy." Support for the amendment may be found at page 12, lines 5 and 6 of the application.

By this amendment, claim 51 has been cancelled thus rendering rejection 25 moot.

Rejection 26 relates to the expression of "positive and negative control tissue slides" as recited in claim 55. Applicants respectfully traverse the rejection.

The expression rejected by the Office Action refers to tissue samples which contain the expressed protein (positive control tissue slide) and tissue samples which do not contain the expressed protein (negative control tissue slide). A person skilled in the art would readily understand that a positive control is a procedure very similar to the actual experimental test, but which is known from previous experience to give a positive result. On the other hand, a negative control is a procedure known to give a negative result. The positive control

confirms that the basic conditions of the experiment were able to produce a positive result, even if none of the actual experimental samples produces a positive result. The negative control demonstrates the base-line result obtained when a test does not produce a measurable positive result. Accordingly, Applicants respectfully submit that the meaning of "positive" and "negative" control tissues slides are definite and readily understood by a person skilled in the art. Therefore, the rejection is untenable and should be withdrawn.

Newly presented claims 58 and 59 relate to claim 54 and are included to place the claim set into better form for US practice.

Double Patenting

The outstanding Office Action advised that should claim 56 be found allowable, claim 57 will be objected to as being a substantial duplicate thereof. By this amendment, claim 57 is cancelled thus obviating the objection. In view of the foregoing, withdrawal of the outstanding rejection and allowing all the claims are respectfully requested.

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If the Examiner has any questions concerning this application, she is encouraged to contact the undersigned attorney.

Please charge any fees due with this response to Deposit Account 23-1665 under Customer Number 27267.

Respectfully submitted,

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